

CIRCUIT COURT FOR FREDERICK COUNTY

COURT HOUSE
FREDERICK, MARYLAND 21701

1 and alleys delineated on that plat, and this created a private easement
2 apart from any rights of the public in those lot purchasers.

3 Every time Mr. Hall conveyed a lot by reference to the plat he
4 created similar private easements in the grantees in the lots for the
5 use, their use, and the use of others. I think, however, that Mr. Hall
6 still retained fee simple title to the streets and alleys and the unsold
7 lots subject to the right of the lot owners to use them which Mr. Hall
8 by his documents could not in any way interfere with. Now, as I under-
9 stand the law, that, it seems to me, was a dedication to the public
10 with the creation of private rights.

11 There was no town of New Market at that time and I think, Miss
12 Storm, am I correct it was incorporated in 1878?

13 Miss Storm: I think it was about that time.

14 Court: So from 1793 to 1878 the only public bodies in existence
15 that could accept that dedication which would then bind the public body
16 to treat the streets and alleys as any public streets and alleys then own-
17 ed by them would be the County of Frederick or the State of Maryland.
18 There is nothing in the record that I have seen that any official action
19 by either of those bodies and so up until the time that the Board of
20 Education bought Lot No. 85 the public generally had a right to use
21 these streets by reason of the private rights that were created. That is,
22 the lot owners and those coming to see the lot owners had their private
23 rights in the streets and alleys that could not be interfered with by any
24 of the heirs or assignees of Mr. Hall.

25 Now the Board of Education apparently about 1938 or '39 for.